



January 28, 2014

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## HOUSE BILL No. 1141

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DIGEST OF HB 1141 (Updated January 28, 2014 2:37 pm - DI 75)

**Citations Affected:** IC 5-2; IC 10-11; IC 13-14; IC 32-21.

**Synopsis:** Methamphetamine lab disclosure in property sales. Provides that the state police department (and not the Indiana criminal justice institute) maintains the methamphetamine laboratory web site (web site). Provides that a property must be removed from the web site 90 days after the property has been certified decontaminated by an approved inspector. Removes a provision from the web site statute that provides records concerning a property removed from the web site are confidential. Removes provisions from the web site statute relating specifically to contaminated rental properties. Removes other provisions relating to listing a property that has been decontaminated before listing on the web site. Makes other changes.

**Effective:** July 1, 2014.

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### McNamara, Ober, Kubacki, Macer

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January 9, 2014, read first time and referred to Committee on Government and Regulatory Reform.  
January 28, 2014, amended, reported — Do Pass.

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HB 1141—LS 6980/DI 106





January 28, 2014

Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

## HOUSE BILL No. 1141

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A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 5-2-6-3, AS AMENDED BY P.L.85-2013,
- 2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2014]: Sec. 3. The institute is established to do the following:
- 4 (1) Evaluate state and local programs associated with:
- 5 (A) the prevention, detection, and solution of criminal
- 6 offenses;
- 7 (B) law enforcement; and
- 8 (C) the administration of criminal and juvenile justice.
- 9 (2) Improve and coordinate all aspects of law enforcement,
- 10 juvenile justice, and criminal justice in this state.
- 11 (3) Stimulate criminal and juvenile justice research.
- 12 (4) Develop new methods for the prevention and reduction of
- 13 crime.
- 14 (5) Prepare applications for funds under the Omnibus Act and the
- 15 Juvenile Justice Act.
- 16 (6) Administer victim and witness assistance funds.

**HB 1141—LS 6980/DI 106**



(7) Administer the traffic safety functions assigned to the institute under IC 9-27-2.

(8) Compile and analyze information and disseminate the information to persons who make criminal justice decisions in this state.

(9) Serve as the criminal justice statistical analysis center for this state.

(10) Identify grants and other funds that can be used by the department of correction to carry out its responsibilities concerning sex or violent offender registration under IC 11-8-8.

(11) Administer the application and approval process for designating an area of a consolidated or second class city as a public safety improvement area under IC 36-8-19.5.

(12) Develop and maintain a meth watch program to inform retailers and the public about illicit methamphetamine production, distribution, and use in Indiana.

~~(13) Establish, maintain, and operate, subject to specific appropriation by the general assembly, a web site containing a list of properties (as defined in IC 5-2-6-19(b)) that have been used as the site of a methamphetamine laboratory.~~

~~(14)~~ (13) Develop and manage the gang crime witness protection program established by section 21 of this chapter.

~~(15)~~ (14) Identify grants and other funds that can be used to fund the gang crime witness protection program.

~~(16)~~ (15) Administer any sexual offense services.

~~(17)~~ (16) Administer domestic violence programs.

~~(18)~~ (17) Administer assistance to victims of human sexual trafficking offenses as provided in IC 35-42-3.5-4.

~~(19)~~ (18) Administer the domestic violence prevention and treatment fund under IC 5-2-6.7.

~~(20)~~ (19) Administer the family violence and victim assistance fund under IC 5-2-6.8.

SECTION 2. IC 5-2-6-19, AS ADDED BY P.L.186-2007, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 19. (a) As used in this section, "~~institute~~" "~~department~~" refers to the ~~Indiana criminal justice institute established by section 3 of this chapter.~~ **state police department.**

(b) As used in this section, "property" refers to a structure or part of a structure that is used as a home, residence, or sleeping unit.

(c) Subject to specific appropriation by the general assembly, the ~~institute~~ **department** shall establish, maintain, and operate a web site containing a list of properties that have been used as the site of a



methamphetamine laboratory. The list of properties shall be based on information received from a law enforcement agency under IC 5-2-15-3.

(d) Subject to specific appropriation by the general assembly, ~~and in accordance with subsections (h) and (i); the institute~~ **department** shall publish the list of properties that have been used as the site of a methamphetamine laboratory on a web site maintained by the ~~institute-~~ **department**. The ~~institute~~ **department** shall design the web site to enable a user to easily determine whether a particular property has been used as the site of a methamphetamine laboratory. ~~The web site shall be referred to as the "methamphetamine laboratory web site".~~

(e) The ~~institute~~ **department** shall remove a listed property from the web site **ninety (90) days** after the property has been certified as decontaminated by an inspector approved under IC 13-14-1-15. ~~or not more than two (2) years after the date the methamphetamine laboratory was seized by a law enforcement agency.~~

(f) Notwithstanding subsection (e); if property has been certified as decontaminated by an inspector approved under IC 13-14-1-15 before it is placed on the list required under subsection (e); the institute may not place the property on the list.

(g) Records concerning a listed property that has been removed from the web site under subsection (e) are confidential.

(h) This subsection only applies to a rental unit (as defined in IC 32-31-3-8). The institute may not list a rental unit that has been used as the site of a methamphetamine laboratory on the web site until the later of the following:

(1) Thirty (30) days after the date on which the institute receives information from a law enforcement agency under IC 5-2-15-3 that the rental unit has been the site of a methamphetamine laboratory; if the owner or operator of the rental property has not provided documentation to the institute showing:

(A) that the property has been inspected by a person certified to inspect property that is polluted by a contaminant under IC 13-14-1-15; and

(B) that the owner or operator has begun the process of decontaminating the property.

(2) If the owner or operator of the rental unit provides the documentation described in subdivision (1)(A) and (1)(B) not later than thirty (30) days after the date on which the institute receives information from a law enforcement agency under IC 5-2-15-3 that the rental unit has been the site of a methamphetamine laboratory; one hundred eighty (180) days after



the date on which the institute receives information from a law enforcement agency that the rental unit has been the site of a methamphetamine laboratory.

However, if the owner or operator provides documentation to the institute within the appropriate time period described in subdivision (1) or (2) that a person authorized to inspect property that is polluted by a contaminant under IC 13-14-1-15 has certified that the property is decontaminated or was not contaminated by a methamphetamine laboratory, the institute may not list the property on the web site.

(i) This subsection only applies to a rental unit (as defined in IC 32-31-3-8). The institute shall remove a rental unit listed on the web site not more than five (5) days after receiving documentation from the owner or operator of the rental property that:

(1) the property has been inspected by a person certified to inspect property that is polluted by a contaminant under IC 13-14-1-15; and

(2) that the owner or operator has begun the process of decontaminating the property.

The institute shall relist the rental unit on the web site not less than one hundred fifty (150) days after receiving documentation described in subdivisions (1) and (2); unless the owner or operator of the rental property provides documentation to the institute that a person authorized to inspect property that is polluted by a contaminant under IC 13-14-1-15 has certified that the property is decontaminated or was not contaminated by a methamphetamine laboratory.

SECTION 3. IC 10-11-2-31.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 31.1. (a) The superintendent shall adopt:**

(1) guidelines; and

(2) a reporting form or a specified electronic format, or both; for receiving an approved certificate of cleanup from the department of environmental management that property used for the manufacture of methamphetamine or polluted by waste from the manufacture of methamphetamine has been certified as decontaminated by an inspector approved under IC 13-14-1-15.

(b) Guidelines adopted under this section must require that the department remove, not later than ninety (90) days after receipt of a report described in subsection (a), the decontaminated property from any publicly available list of methamphetamine contaminated properties compiled or made available by the department.

SECTION 4. IC 13-14-1-15, AS ADDED BY P.L.192-2005,



SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 15. (a) The department shall maintain a list of persons certified to inspect and clean property that is polluted by a contaminant. The list may specifically note persons with particular expertise or experience in the inspection or cleanup of property contaminated by chemicals used in the illegal manufacture of a controlled substance (as defined in IC 35-48-1-9) or by waste produced from the illegal manufacture of a controlled substance.

(b) The department may specify by rule that a person who meets certain qualifications prescribed by the department is a person certified to inspect and clean property that is polluted by a contaminant.

**(c) The department shall specify by rule that any person:**

**(1) certified under this section to inspect and clean contaminated property; and**

**(2) who has decontaminated property polluted by the manufacture of methamphetamine or by waste from the manufacture of methamphetamine;**

**shall notify the department when the person has decontaminated a property polluted by the manufacture of methamphetamine or by waste from the manufacture of methamphetamine.**

**(e) (d)** The department shall adopt rules under IC 4-22-2:

(1) to implement this section; and

(2) concerning the inspection and remediation of contaminated property.

SECTION 5. IC 32-21-5-7, AS AMENDED BY P.L.159-2011, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. The Indiana real estate commission established by IC 25-34.1-2-1 shall adopt a specific disclosure form that contains the following:

(1) Disclosure by the owner of the known condition of the following:

(A) The foundation.

(B) The mechanical systems.

(C) The roof.

(D) The structure.

(E) The water and sewer systems.

(F) Additions that may require improvements to the sewage disposal system.

(G) Other areas that the Indiana real estate commission determines are appropriate.

(2) Disclosure by the owner of known:

(A) contamination caused by the manufacture of a controlled



1 substance on the property that has not been certified as  
2 decontaminated by an inspector approved under  
3 IC 13-14-1-15; or

4 **(B) manufacture of methamphetamine or dumping of**  
5 **waste from the manufacture of methamphetamine in a**  
6 **residential structure on the property.**

7 (3) A notice to the prospective buyer that contains substantially  
8 the following language:

9 "The prospective buyer and the owner may wish to obtain  
10 professional advice or inspections of the property and provide for  
11 appropriate provisions in a contract between them concerning any  
12 advice, inspections, defects, or warranties obtained on the  
13 property."

14 (4) A notice to the prospective buyer that contains substantially  
15 the following language:

16 "The representations in this form are the representations of the  
17 owner and are not the representations of the agent, if any. This  
18 information is for disclosure only and is not intended to be a part  
19 of any contract between the buyer and owner."

20 (5) A disclosure by the owner that an airport is located within a  
21 geographical distance from the property as determined by the  
22 Indiana real estate commission. The commission may consider the  
23 differences between an airport serving commercial airlines and an  
24 airport that does not serve commercial airlines in determining the  
25 distance to be disclosed.





## COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred House Bill 1141, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-2-6-3, AS AMENDED BY P.L.85-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. The institute is established to do the following:

- (1) Evaluate state and local programs associated with:
  - (A) the prevention, detection, and solution of criminal offenses;
  - (B) law enforcement; and
  - (C) the administration of criminal and juvenile justice.
- (2) Improve and coordinate all aspects of law enforcement, juvenile justice, and criminal justice in this state.
- (3) Stimulate criminal and juvenile justice research.
- (4) Develop new methods for the prevention and reduction of crime.
- (5) Prepare applications for funds under the Omnibus Act and the Juvenile Justice Act.
- (6) Administer victim and witness assistance funds.
- (7) Administer the traffic safety functions assigned to the institute under IC 9-27-2.
- (8) Compile and analyze information and disseminate the information to persons who make criminal justice decisions in this state.
- (9) Serve as the criminal justice statistical analysis center for this state.
- (10) Identify grants and other funds that can be used by the department of correction to carry out its responsibilities concerning sex or violent offender registration under IC 11-8-8.
- (11) Administer the application and approval process for designating an area of a consolidated or second class city as a public safety improvement area under IC 36-8-19.5.
- (12) Develop and maintain a meth watch program to inform retailers and the public about illicit methamphetamine production, distribution, and use in Indiana.
- ~~(13) Establish, maintain, and operate, subject to specific appropriation by the general assembly, a web site containing a list~~



of properties (as defined in IC 5-2-6-19(b)) that have been used as the site of a methamphetamine laboratory.

~~(14)~~ **(13)** Develop and manage the gang crime witness protection program established by section 21 of this chapter.

~~(15)~~ **(14)** Identify grants and other funds that can be used to fund the gang crime witness protection program.

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(b) As used in this section, "property" refers to a structure or part of a structure that is used as a home, residence, or sleeping unit.

(c) Subject to specific appropriation by the general assembly, the ~~institute~~ **department** shall establish, maintain, and operate a web site containing a list of properties that have been used as the site of a methamphetamine laboratory. The list of properties shall be based on information received from a law enforcement agency under IC 5-2-15-3.

(d) Subject to specific appropriation by the general assembly, ~~and in accordance with subsections (h) and (i);~~ the ~~institute~~ **department** shall publish the list of properties that have been used as the site of a methamphetamine laboratory on a web site maintained by the ~~institute.~~ **department.** The ~~institute~~ **department** shall design the web site to enable a user to easily determine whether a particular property has been used as the site of a methamphetamine laboratory. ~~The web site shall be referred to as the "methamphetamine laboratory web site".~~

(e) The ~~institute~~ **department** shall remove a listed property from the web site ~~ninety (90) days~~ **ninety (90) days** after the property has been certified as decontaminated by an inspector approved under IC 13-14-1-15. ~~or not more than two (2) years after the date the methamphetamine laboratory was seized by a law enforcement agency.~~

~~(f) Notwithstanding subsection (e);~~ if property has been certified as decontaminated by an inspector approved under IC 13-14-1-15 before



it is placed on the list required under subsection (c); the institute may not place the property on the list.

(g) Records concerning a listed property that has been removed from the web site under subsection (c) are confidential.

(h) This subsection only applies to a rental unit (as defined in IC 32-31-3-8). The institute may not list a rental unit that has been used as the site of a methamphetamine laboratory on the web site until the later of the following:

(1) Thirty (30) days after the date on which the institute receives information from a law enforcement agency under IC 5-2-15-3 that the rental unit has been the site of a methamphetamine laboratory; if the owner or operator of the rental property has not provided documentation to the institute showing:

(A) that the property has been inspected by a person certified to inspect property that is polluted by a contaminant under IC 13-14-1-15; and

(B) that the owner or operator has begun the process of decontaminating the property.

(2) If the owner or operator of the rental unit provides the documentation described in subdivision (1)(A) and (1)(B) not later than thirty (30) days after the date on which the institute receives information from a law enforcement agency under IC 5-2-15-3 that the rental unit has been the site of a methamphetamine laboratory; one hundred eighty (180) days after the date on which the institute receives information from a law enforcement agency that the rental unit has been the site of a methamphetamine laboratory.

However, if the owner or operator provides documentation to the institute within the appropriate time period described in subdivision (1) or (2) that a person authorized to inspect property that is polluted by a contaminant under IC 13-14-1-15 has certified that the property is decontaminated or was not contaminated by a methamphetamine laboratory; the institute may not list the property on the web site.

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(1) the property has been inspected by a person certified to inspect property that is polluted by a contaminant under IC 13-14-1-15; and

(2) that the owner or operator has begun the process of decontaminating the property.



The institute shall relist the rental unit on the web site not less than one hundred fifty (150) days after receiving documentation described in subdivisions (1) and (2); unless the owner or operator of the rental property provides documentation to the institute that a person authorized to inspect property that is polluted by a contaminant under IC 13-14-1-15 has certified that the property is decontaminated or was not contaminated by a methamphetamine laboratory."

Page 1, line 7, delete "a report" and insert "**an approved certificate of cleanup from the department of environmental management**".

Page 1, line 12, delete "thirty (30)" and insert "**ninety (90)**".

Page 2, line 18, delete ", in accordance with guidelines adopted by the state police" and insert "**notify the**".

Page 2, delete line 19.

Page 2, run in lines 18 through 20.

Page 3, line 3, delete "; or"

Page 3, delete lines 4 through 7.

Page 3, line 9, delete "." and insert "; **or**".

Page 3, run in lines 3 through 9.

Page 3, between lines 9 and 10, begin a new line double block indented and insert:

**"(B) manufacture of methamphetamine or dumping of waste from the manufacture of methamphetamine in a residential structure on the property."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1141 as introduced.)

MAHAN, Chair

Committee Vote: yeas 12, nays 0.

